

Figures

The attached formal figures are believed to conform to the requirements set forth by the M.P.E.P. as indicated by the Examiner in his Office Actions dated October 15, 1998 and May 4, 1999.

The attached formal figures do not enter new matter. For example, inclusion of the motor assembly in Figure 1 is supported in the specification at page 7, lines 7 through 11. Further, inclusion of Greek alpha symbol (α) in Figure 4 is supported in the specification at page 8, line 11.

Section 112 Formalities

Amendment of claims 1, 4, and 9 in accordance with the Examiner's objections have been made.

Claims 6 and 8 have been cancelled without prejudice. The limitation recited in claims 6 and 8 (that the centerline of a sensor -- as recited in independent claims 1 and 2 -- is slightly askew from the sensor's vertical axis), is not believed to be taught or suggested by any prior art of record. Nor is the skewing of a proximity sensor required by the teaching of the specification (see claim 10). Thus, Applicant does not believe it is necessary to, and does not wish to limit the scope of the claimed invention as originally contemplated.

Section 103 Rejections

The Examiner has rejected claims 1 through 10 "under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art figure of 5 in view of Boiucaner." (See Final Office Action dated May 4, 1999, page 4.)

The following declarations, which are attached to this reply, are believed to traverse the Examiner's rejection regarding obviousness of a "fast-food service window ... [having] ... an upwardly focused proximity sensor" (see independent claims 1, 2, and 3):

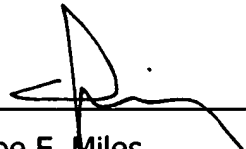
1. Declaration of Ray J. Epps - Establishment Of A Long Felt Need
2. Declaration of Cheri Roell - Establishment Of A Long Felt Need
3. Declaration of Ray J. Epps - Establishment Of Commercial Success

4. Declaration of Steve Halliburton - Establishment Of Non-Obviousness

CONCLUSIONS

In view of the above remarks and amendments, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

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Date


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